TWEED FOUND GUILTY.

SENTENCE DEFERRED UNTIL SATURDAY.

CONVICTION ON THE KEYSER, GARVEY, AND DAVIDSON COUNTS, AND ACQUITTAL ON THE REST—A MEMORABLE HOUR IN COURT—JOHN GRAHAM READY WITH OBJECTIONS—PROBABILITY THAT SENTENCE CAN ONLY BE PASSED ON A SINGLE COUNT.

The result of the Tweed trial yesterday, which, on the bulletin boards of all the newspapers of the city, was announced in such sensational catch-words as "Tweed Guilty!" "A Verdict at Last!" "Twelve Faithful Jurors," etc., was the common topic of conversation and comment on Broadway, in Wall-st., in the Departments, and particularly around the courts of this city and Brooklyn. The news fell upon the community, as it did upon the immense crowd which, in the Court of Oyer and Terminer, stood upon benches and chairs and almost fought for nearer positions to hear the verdict, like an electric shock. The locking up of the jury for the night, or rather until 10 o'clock, following—for it was 2:45 yesterday when Judge Davis reluctantly gave the order and left the Court-house for his home—created no little depression among those who had hoped that a jury might be found who could agree either one way or the other, and predictions and bets, as well, were freely offered that the hour of assembling would witness a third disappointment, and the reduction of Tweed's bail to a comparatively insignificant sum. After receiving, however, the instructions which they asked, the jury retired, and before long returned with a verdict of guilty on the Keyser, Garvey, and Davidson counts. Sentence was deferred until Saturday, and will probably be passed on a single count.

THE VERDICT.

When the Court assembled yesterday at 10 o'clock, the excitement was not exhibited in the usual noisy demonstrations, but, though quiet, was manifested in an intense attention and anticipation. The part of the room railed off for spectators was a mass of eager faces, and the division bar cracked with the pressure and weight of pushing and swaying bodies. Outside the court room, a large squad of police was held in reserve for any demonstration which might possibly be made against the peace. A similar squad had been summoned and was posted in the Special Term room the previous night, in anticipation of a verdict. This squad lined all the halls, but did not intrude upon the court-room itself.

When Tweed came into court, accompanied by his son, Wm. M. Tweed, jr., an expression of lively good nature was prominent on the features of each, as though the possibilities and probabilities of the law had no terrors for them. They exchanged salutations with their counsel with such unusual cordiality that it was apparent the general impression which pervaded the spectators had reached and possessed them. A group of small politicians surrounded partially the chair which supported their once prosperous leader, and assurances of sympathy and hope were stillingly given to him.

INSTRUCTIONS TO THE JURY.

At 10:05 o'clock the well-known cry of "hats off" announced the arrival of Judge Davis, and the moment of action. The jury followed the judge and the counsel for the prosecution, and one by one filed into their seats. Every eye became fixed upon the foreman who, in answer to the usual question if they had agreed upon a verdict, replied to the imaginable disappointment of the breathless spectators, from whom came a simultaneous sigh, "We have not, your Honor. We desire additional instructions on the fourth count in the indictment, and to hear some of the evidence read bearing on that point."

In response the Court recapitulated the testimony bearing on the neglect of the prisoner to audit, in a manner not correctly, the Keyser accounts coming before the Board of which he was a member. He charged them that this count differed from the rest only in that it charged that he corruptly and knowingly made the certificate knowing its falsity. In its general characteristics and in its penalty it was the same as the rest. It simply added a knowledge, and a corrupt knowledge, of the falsity of the accounts. In illustration of this he instanced the Keyser accounts. These were falsified, according to Mr. Keyser himself, as to their dates, and falsified as to their amount by the addition of 25½ per cent. He might, of course, have charged interest, and in that have represented the truth, but this gross addition, he charged, was a clear falsification of the accounts, and made the accounts false. He charged them as a matter of law that these accounts were, if they believed Mr. Keyser, false. In connection with this and the fourth count, he called attention to the other facts proved—that these warrants passed into Mr. Woodward's accounts, and 24 per cent of them passed into Tweed's accounts, which were thus swelled from $200,000 to $1,201,000. His pass-book and his bank-book proved that he drew against this, until, in October, his balance was reduced to thirty odd thousand dollars. It was a question for them whether this was not satisfactory that he knew all about this matter. Garvey's testimony was not here, but his accounts were here, and they were to decide whether those accounts, compared with Woodward's and Tweed's, did not go to the same result. Everybody admitted that there were frauds in those warrants; the question under the fourth count for them was whether under this evidence Tweed was knowingly a participator in these frauds to the extent of recklessly intentionally to audit or examine the bills.

SPECIAL REQUESTS OVERRULED.

Mr. Fullerton here asked the Court to charge that Woodward's account each morning showed a sufficient balance to meet his checks to Tweed.

The Court declined so to charge. The evidence was that Woodward's whole account outside of the warrants, was but $55,000, while his checks to Tweed were more than $230,000, and could not have come out of that sum. What his running balance might have been was therefore wholly immaterial.

Mr. Fullerton asked him to charge that Tweed was not present, and that Keyser had testified that 25½ per cent was fair compensation. The Court replied that the jury would remember what was the testimony, and they could give what weight was proper to it.

Mr. Fullerton asked the Court to charge that Keyser authorized Woodward to act for him. The Court did not so understand Mr. Keyser's testimony; at any rate he did not authorize him to put his warrants to his own credit and divide with others. Mr. Fullerton then asked him to charge that the deposits to Tweed were not simultaneous with the warrants.

Judge Davis thereupon went over the deposits at length, showing that the deposits in Woodward's account of warrants and his checks to Tweed entered in Tweed's account were, except in one case, simultaneous, and the checks bore a certain proportion to Woodward's deposits of warrants.

The third juror asked if the bank-books showed that these deposits were drawn out by Tweed's checks.

Judge Davis said they did show that these deposits made by Woodward were drawn down by Tweed's checks to a comparatively small amount.

The jury then retired, Mr. Fullerton taking various exceptions.

A VERDICT LIKE A THUNDER CLAP.

In ten minutes the same scene of quiet, intense excitement ensued. The jury came in, and this time "agreement" was writen upon every countenance, and the decisive moment was as profoundly silent as the grave. The well known question was uttered by the Clerk, Mr. Sparks.

Clerk—Gentlemen, have you agreed upon a verdict?

Foreman—We have.

Here Tweed, who had risen to face the jury, hitherto impassive, involuntarily leaned forward and fixed his eyes sternly upon them, rapidly scanning the different countenances of the 12 fixed upon him.

Clerk—How say you, gentlemen of the jury, is Wm. M. Tweed guilty or not guilty?

Foreman—Guilty!

Clerk—On which counts?

Foreman—On the whole four of the counts.

Clerk—You say you find him guilty on the 1st, 2d, 3d, and 4th counts, and also on the 11th to the 24th inclusive?

Foreman—We do; we find him guilty on all the Keyser, Garvey, and Davidson counts.

The Clerk then made out the verdict in the usual

form, giving the numbers of the various counts on the warrant under which the jury convicted.

Judge—As to the residue of the counts, you find him not guilty?

Foreman—Not guilty.

A BREATHLESS MOMENT.

The immediate effect of this verdict can be as well imagined as described. The word came like a thunderclap on all, and was followed by a release of the breath which had been restrained so long in the breasts of the spectators. Mr. Graham, true to his instinct, laid violent hands upon the volumes before him, and like a bulldog began to grip at the law laid down before him, fumbling with his eye-glasses, which he adjusted to his nose. Mr. Fullerton looked straight at the jury with a countenance immobile and half smiling. The other lawyers of the defense whispered rapidly, the four counsel for the prosecution, Messrs. Tremain, Clinton, Peckham, and Allen, were as dignified and expressed as little satisfaction as they possibly could after their unflirching but successful labors, while the central figure in this immediate group, the convicted Tweed, standing out from a background of black-mustached political friends and adherents, exhibited very little of the emotion the decision must have caused him, but glanced first at jury, then at judge, and lastly at his counsel, with an air as much as to say, "Well, gentlemen, do your worst. I am waiting."

An exception from Mr. Graham to any verdict except a general verdict on the counts, and a special exception to the special verdict, and to the finding of not guilty on the counts not embraced in the verdict, quickly followed. Ex-Judge Fullerton then demanded that the jury be polled, which was done.

Judge Davis then addressed the jury: Gentlemen, you have had a very arduous labor in hearing, during the trial of the case, a vast amount of evidence. The Court feels bound in discharging you to tender you its thanks for the attention you have paid, and for the anxious manner in which you attended to this case.

Foreman—I am requested by the jury to say that since you decided to keep us together, we wish to tender you our sincere and heartfelt thanks for the kindness shown us, and also to each of the officers who had us in charge, for the delicate manner in which they performed a disagreeable duty.

THE SENTENCE SUSPENDED.

Mr. Graham then moved an arrest of judgment on several grounds, but Judge Davis said he would be glad to hear him were he not so fully convinced on the points.

Mr. Graham responded that it seemed to him an insult to counsel of his long standing to say that a point which had not as yet been fully argued and which he now raised, was unworthy of hearing.

Judge Davis said he had no such intent. He had simply expressed his feeling that he was so strongly of opinion on these points that it would be a waste of time to discuss them again; if, however, Mr. Graham desired to submit anything now, he would hear him.

Mr. Graham then stated at length his points again, which are that the Court had no jurisdiction under the statute, that the act of 1870 was repealed by the act of 1871, and that the whole punishment for this offense, under the statute, was only $250 fine.

The Judge said that he had heard three arguments on this last point by Mr. Root and Mr. Bartlett, and he did not see that it would be of any use for him again to hear arguments which would scarcely change his views.

Mr. Graham submitted that the Court ought to be and was human. It should, so to speak, drop a tear of pity on a fallen foe. Now that the javelin of the law had pierced the defendant, mercy was not out of place, and a delay of a few hours was not unfair.

Judge Davis refused to delay sentence until next week, but finally gave Mr. Graham until Saturday.

Mr. Allen here moved to commit Tweed to custody, and the Court ordered him to be placed in the custody of an officer.

Mr. Tremain said it was only fair to the defense to say that they should, in moving for judgment, move for a separate sentence on each count.

Mr. Graham insisted that the Court had already decided this matter, but the Court said it had not, but desired argument on this important question.

Mr. Phelps, the District-Attorney, then moved the case of Ingersoll and Farrington for Friday, but it was finally decided to call the panel for Monday.

The prisoner was then removed in the custody of Sheriff Brennan and Deputy-Sheriff Shields.

LIMITS OF THE SENTENCE.

The verdict recorded upon the books of the clerk is as follows:

"Guilty upon the Davidson counts, numbering 213 to 216 inclusive; the Garvey counts, numbering 37 to 60, 62 to 108, and 129 to 209; and the Keyser counts, numbering 1 to 36, 61 to 65, 109 to 112, 118 to 116, and 117 to 128. Not guilty on the residue of counts."

Much curiosity was expressed, yesterday, by those who witnessed the trial, and others, to learn whether or not Tweed could be sentenced on the various counts on which he had been found guilty, or whether the "Omnibus" indictment covered all the counts. Lawyers were divided on the subject, and preferred not to be quoted until they could examine the law on the subject. Many really thought that Tweed could be sentenced for one year and fined $250 on each count of the indictment: or, in other words, as there were 220 counts to the indictment, he could be sentenced to 220 years' imprisonment, and fined an aggregate of $55,000. The following is an extract from an opinion rendered by Judge Davis during the first trial of Wm. M. Tweed, when the question came up whether or not the "Omnibus" indictment covered one or more offenses:

In such cases defendants are very often embarrassed by the uniting of the offenses in the same indictment, but I have never known an instance where the party could be embarrassed by the combination of a great variety of misdemeanors. On the contrary, in my judgment, the party who is thus charged with a variety of misdemeanors in a single indictment, instead of having 40 or 50 indictments against him, is greatly relieved from the complications of the offenses from the very fact that they are brought in a single indictment. In this case there might be 55 punishments if these counts are all true and there were 55 indictments found, while the single act of uniting them in a single indictment, as I understand, will reduce the punishment to a single one. The result is that the defendant, instead of being injured, is substantially benefited by the action against the numerous punishments for the same offense.

This would seem undoubtedly to indicate that in the opinion of Judge Davis the prisoner can only be sentenced on one count.

TWEED AFTER CONVICTION.

Much comment was caused by the fact that Tweed was committed to the custody of the keeper of the City Prison, but that instead of being taken to the Tombs he was taken in charge by the Sheriff. There is nothing strange in this proceeding. The usual commitment was made out by Mr. Sparks, the Clerk of the Court, by order of Judge Davis, who then requested Sheriff Brennan to take the prisoner in charge. This was done, and the Sheriff is responsible for the safe keeping and production of the prisoner on Saturday next for sentence. On leaving the Court-room, Mr. Tweed proceeded with the Sheriff to the office of the latter, and was there given into the custody of Deputy Sheriffs Shields and Cahill. Accompanied by the Deputy Sheriffs, Tweed proceeded to his office, and was engaged for some time in arranging his papers. A number of persons called during this time, but he declined to see all out one or two intimate friends. He professed to be satisfied that his counsel would procure a stay of proceedings, and ultimately a new trial. Late in the afternoon Tweed, accompanied by his guardians, proceeded to his up-town residence.

Mr. Tweed's counsel decline to say just what course will be taken by them. Indeed it is not certain that their course of action on Saturday has been definitely planned.

THE "OMNIBUS" INDICTMENT

The indictment upon which Tweed was tried was known as the "omnibus indictment." It contained 220 counts, and when printed occupied 1,050 large octavo pages. He was found guilty on the counts covering the bills of Alexander McBride (Davidson & Co., Andrew J. Garvey, and Keyser & Co., and acquitted on the counts which included the bills of Ingersoll & Co., C. D. Bollar & Co., and George S. Miller. From the first count of the indictment, as follows, the character of the other 219 may be judged:

The jurors of the people of the State of New-York, in and for the body of the City and County of New-York, upon their oath, present:

That by the fourth section of an act of the Legislature of the State of New-York, entitled "An act to make further provision for the government of the County of New-York," passed April 26, 1870, it was enacted that all liabilities against the County of New-York, incurred previous to the passage of the said act, should be audited by the Mayor of the said City of New-York, the Controller, and the then President of the Board of Supervisors of said county, and that the amounts which should be found to be due should be provided for by the issue of revenue bonds of the County of New-York, payable during the year 1871, and that the Board of Supervisors in the ordinance levying the taxes for 1871, insert an amount sufficient to pay said bonds and the interest thereon, and that such claims should be paid by the Comptroller to the party or parties entitled to receive the same upon the certificate of the officers named in said section. That at the time the said act became law, and at all times hereinafter referred to, Abraham Oakey Hall was Mayor of the City of New-York, Richard B. Connolly was Controller, and William M. Tweed was the then President of the Board of Supervisors; and that at the time last aforesaid and at the said City and County of New-York, the said Abraham Oakey Hall, Mayor, the said Richard B. Connolly, Controller, and William M. Tweed, President as aforesaid, accepted the said public office, trust, and employment as auditors, and entered upon and assumed the performance of the duties enjoined upon them respectively as aforesaid in the 4th section; and that at all the times hereinafter referred to, they and each of them, being such officers and holding the public trust so arising under said section, were bound faithfully to perform such duties, and not to willfully neglect to perform such duties or any of them, and not to do any act prohibited by such section. And the jurors aforesaid do further present that at the time of the passage of the act there was a certain liability against the said County of New-York, incurred previous to the passage of the said act and provided for by the section, and of the kind of liability referred to in the section, namely, a liability of the County of New-York to pay for certain work, labor, and materials furnished to the county by duthority previous to the passage of the said act to certain persons doing business then and there under the name of Keyser & Co., and which liability was at the time hereinafter mentioned set forth in a certain paper which contained a written statement of the claim of Keyser & Co., namely, a statement of work alleged by said Keyser & Co. to have been done, and of labor and materials furnished to the county, of which the following is a copy:

[C.]

County Audit, No. ——.

CITY AND COUNTY EXPENDITURES.

The County of New-York
To Keyser & Co.; residence, —— ——
Dr.

18—For annexed bill plumbing, &c., County offices and buildings July 19 to Aug. 22, 1869.....$30,957
Int. made up to May, 1870..... 1,638

$32,596

[Bill of Keyser & Co. appended. On the face of the bill and covering the items of Aug. 20 and Aug. 22 is written, "We hereby certify that this bill is correct. Wm. M. Tweed, Chairman of Committee; A. Woodward, Clerk of said Committee."]

The jurors further present that on May, 6, 1871, the bill was presented to the auditors named, and that they unfaithfully, willfully, corruptly, and unlawfully did neglect to audit the liability and to examine into the validity of the claim, to the great damage of the county, to the evil example of others offending, against the form of the statute, and against the peace of the people.

A PAINSTAKING JURY.

A reporter of THE TRIBUNE saw David Palmer, foreman of the jury, last evening at his residence, No. 42 Seventh-st. In reply to the reporter's questions Mr. Palmer said that the jury had agreed among themselves not to divulge anything which occurred in the jury-room regarding the ballot as taken at various times. He said that some of them did not understand what the fourth count contained. The portion under consideration was, "Corruptly audited the said counts." They returned to Court on Tuesday evening and asked, "What constituted the fourth count?" and yesterday morning they asked for further instructions regarding the evidence applied to the same. Thus little progress had been made during the night, but as soon as the portion in doubt was explained to them the verdict was rendered immediately by a full ballot. Mr. Palmer said that he did not believe that any member of the jury had any interest in the prosecution or defense. They simply intended to do their duty, and give their verdict on the evidence presented to them. The case, he continued, was a curious one, but they took great pains to understand each count clearly. Before the ballot was taken on each count—for they were taken up and disposed of one by one—the question was put to each man, "Do you clearly understand that?" If any misunderstanding was manifested a discussion took place, and the vote not recorded until every one knew what the count was, and knew how he was voting. They had been very careful, and although the work was long and tedious, not a count was passed upon until it had been thoroughly canvassed. The only misunderstanding was on one count only—the fourth count—and when the jury retired yesterday morning, after hearing the Judge's explanation, they soon agreed on that. Mr. Palmer said that the jury were very harmonious throughout the entire proceedings, and parted in a pleasant and friendly manner, each one knowing he had done his duty. Mr. Palmer would not give the result of the first ballot, but from his remarks, the reporter judged that the verdict was a unanimous one from the first.

The reporter also called on Mr. William Schlenmer of No. 115 Second-ave., but that gentleman refused to give any account of the deliberations of the jury, because they had agreed among themselves not to do so. He said they had no object in making the agreement, any more than any party of gentlemen would object to any one repeating what they had done privately. He said they did not fully agree on the fourth count until the Judge had given them further instructions, but when this had been done their work was soon over.